

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA :

INDICTMENT

- v. - :

S1 07 Cr. 274

HEBERT VELOZA GARCIA, :
a/k/a "Ever Veloza-Garcia," :
a/k/a "Hernan Hernandez," :
a/k/a "Cara Pollo," :
a/k/a "HH," :

Defendant.

- - - - -X

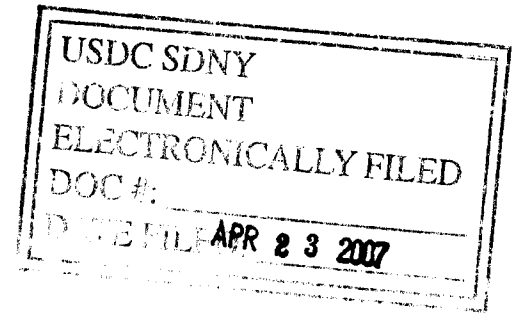
COUNT ONE

(Narcotics Importation Conspiracy)

The Grand Jury charges:

1. From in or about 1998 up to and including in or about 2006, in the Southern District of New York and elsewhere, HEBERT VELOZA GARCIA, a/k/a "Ever Veloza-Garcia," a/k/a "Hernan Hernandez," a/k/a "Cara Pollo," a/k/a "HH," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that HERBERT VELOZA GARCIA, a/k/a "Ever Veloz-Garcia," a/k/a "Hernan Hernandez," a/k/a "Cara Pollo," a/k/a "HH," the defendant, and others known and unknown, would and did import into the United States from a place outside thereof five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Sections 812, 952(a), and 960(b)(1)(B) of Title 21, United States Code.



3. It was further a part and an object of the conspiracy that HEBERT VELOZA GARCIA, a/k/a "Ever Veloza-Garcia," a/k/a "Hernan Hernandez," a/k/a "Cara Pollo," a/k/a "HH," the defendant, and others known and unknown, would and did distribute a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 959, 960(a)(3) and 960(b)(1)(B) of Title 21, United States Code.

(Title 21, United States Code, Section 963.)

COUNT TWO

(Narcotics Importation)

The Grand Jury further charges:

4. From at least in or about 1998 up to and including in or about 2006, in the Southern District of New York and elsewhere, HERBERT VELOZA GARCIA, a/k/a "Ever Veloz-Garcia," a/k/a "Hernan Hernandez," a/k/a "Cara Pollo," a/k/a "HH," the defendant, distributed a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, knowing and intending that the substance would be unlawfully imported into the United States, or into waters within a distance of 12 miles of the coast of the United States.

(Title 21, United States Code, Sections 959(a),
960(b)(1)(B)(ii), and 812.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, HEBERT VELOZA GARCIA, a/k/a "Ever Veloza-Garcia," a/k/a "Hernan Hernandez," a/k/a "Cara Pollo," a/k/a "HH," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that the defendant obtained directly and indirectly as a result of the said violations and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of the offenses described in Counts One and Two of this Indictment.

Substitute Assets Provision


6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished
in value; or
- e. has been commingled with other
property which cannot be divided
without difficulty;

it is the intention of the United States, pursuant to Title 21,
United States Code, Section 853(p), to seek forfeiture of any
other property of the defendant up to the value of the
forfeitable property.

(Title 21, United States Code, Sections 963 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendant.


SUPERSEDING INDICTMENT

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(Title 21, United States Code, Sections 812, 853, 952(a),
959, 960(a)(3), 960(b)(1)(B), and 963)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.

Post 11-1-87
4/23/07
Filed Ind.
Ellis, J.